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Section 16.04.010 Purpose.

The purpose of Chapters 16.04 through 16.20 is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating the design, construction, quality of materials, use and occupancy, location and maintenance of buildings, equipment, structures and grading within the City; the electrical, plumbing, heating, comfort cooling and certain other equipment specifically regulated herein; and the moving of buildings within, into, from and through the City. (Ord. 3495 § 1 (part), 1968; prior code § 9.101)

Section 16.04.020 Scope.

The provisions of Chapters 16.04 through 16.20 shall apply to the construction, alteration, moving, demolition, repair and use of any buildings, equipment, or structure within the City, except public utility towers and poles, hydraulic flood control structures, and other structures owned and used by exempt governmental jurisdictions. Where in any specific case different sections of Chapters 16.04 through 16.20 specify different materials, methods of construction or installation, or other requirements, those providing the greater safety to life or

limb, property or public welfare shall prevail. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. (Ord. 5552 § 2, 1987; Ord. 5259 § 1, 1985; Ord. 3495 § 1 (part), 1968; prior code § 9.102)

Section 16.04.050 Existing installations.

Building service equipment lawfully in existence on December 31, 1980, may have its use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property has been created by such building service equipment. (Ord. 4853 § 3, 1980; Ord. 3495 § 1 (part), 1968; prior code § 9.103 (part))

Section 16.04.110 Building Official.

Whenever the terms "Building Official," "building inspector," "plumbing inspector," "electrical inspector," "administrative authority" or "electrical safety engineer" are used in Chapters 16.04 through 16.20 or any other ordinance of the City, including this Code, each means the Building Official, or his/her designee. (Ord. 6844 § 22, 2006; Ord. 4853 § 8, 1980; Ord. 3844 § 1(1), 1971; Ord. 3495 § 1 (part), 1968; prior code § 9.106)

Section 16.04.210 Authority to condemn building service equipment.

Whenever the Building Official ascertains that any building service equipment regulated in Chapters 16.04 through 16.20 has become hazardous to life, health, property, or has become insanitary, he shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice shall fix a reasonable time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When such equipment or installation is to be disconnected, a twenty-four-hour written notice of such disconnection and causes therefor shall be given to the owner as shown on the assessment roll and occupant of such building, structure or premises; provided, however, that in cases of immediate danger to life or property, such disconnection may be made immediately without such notice. (Ord. 4853 § 13, 1980; Ord. 3495 § 1 (part), 1968; prior code § 9.108 (part))

Section 16.04.215 Authority to disconnect utilities.

The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by Chapters 16.04 through 16.20 in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall have the authority to order disconnection of any utility service or energy supplied to the building, structure or building service equipment when he ascertains that the building service equipment or any portion thereof has become hazardous to life, health or property or has become insanitary. The Building Official shall immediately notify the service utility in writing of the issuance of such order to discontinue use. (Ord. 4853 § 14, 1980)

Section 16.04.220 Connection after to disconnect.

No person shall make connections from energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered disconnected by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

When any building service equipment is maintained in violation of Chapters 16.04

through 16.20 and in violation of any notice issued pursuant to the provisions of this chapter, the Building Official may institute any appropriate action to prevent, restrain or correct or abate the violation. (Ord. 4853 § 15, 1980; Ord. 4146 § 1 (part), 1974; Ord. 3495 § 1 (part), 1968; prior code § 9.108 (part))

Section 16.04.230 Administrative Hearing Officer.

The City Council finds that providing an Administrative Hearing Officer to hear administrative proceedings and appeals as set forth in this Chapter is equivalent to proceedings provided under the State Housing Law (California Health & Safety Code Sections 17910, et seq.) for the purposes intended by the State Housing Law.

Where the Board of Appeals or the Housing Authority and Appeals Board may be mentioned in Chapters 16.04 through 16.20, such terms shall mean an Administrative Hearing Officer as established in Chapter 1.17 of this Code. (Ord. 6844 § 23, 2006; Ord. 6462 § 12, 1999; Ord. 5259 § 4, 1985; Ord. 4853 § 16, 1980; Ord. 3495 § 1 (part), 1968; Prior code § 9.109)

Section 16.04.310 Expiration of permits.

Except as otherwise specified, every permit issued by the Building Official under the provisions of Chapters 16.04 through 16.20 shall expire by limitation and become null and void if the work authorized by the permit is not commenced within one hundred eighty days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days. A permit for demolition, however, shall expire by limitation and become null and void if the work authorized by the permit is not completed within sixty days from the date of such permit or on the thirtieth day after work is commenced, whichever comes sooner.

Before any work can be recommenced following the expiration of a permit, a new permit shall be first obtained so to do, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been or will be made in the original plans and specifications for such work; provided further, that such suspension or abandonment has not exceeded one year; and provided further, that only one such permit may be issued at one-half fee for such work. Except as specifically provided for herein, in order to recommence work on a permit after expiration thereof, the permittee shall obtain a new permit and pay the full fee therefor.

Any permittee holding an unexpired permit may apply for an extension of the time within which the permittee may commence work under that permit when said permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for commencement by the permittee for a period not exceeding one hundred eighty days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. (Ord. 5259 § 8, 1985; Ord. 4853 § 21, 1980; Ord. 4604 § 1 (part), 1978; Ord. 4146 § 1 (part), 1974; Ord. 3495 § 1 (part), 1968; prior code § 9.112 (part))

Section 16.04.330 Transferability of permits.

Any permit issued by the Building Official under the provisions of Chapters 16.04 through 16.20 may be transferred to another person, firm or corporation subject to all requirements of the original issuance, and upon payment of a fee as may be established by the City Council. (Ord. 4853 § 22, 1980; Ord. 4604 § 1 (part), 1978)

Section 16.04.335 Expiration of plan review.

An application for plan review for which no permit is issued within one hundred eighty days following the date of such application shall expire as of the one hundred eighty-first day, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official if said plans and data cannot be reasonably retained. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. A further extension of one hundred eighty days may be granted by the Building Official upon request by the applicant upon a showing that circumstances beyond the control of the applicant have prevented action from being taken; provided, however, the applicant must pay a plan review fee of one-half the original such fee.

When a substantial portion of plan review delays are exclusively caused by abnormal processing time requirements of other governmental agencies involved in the plan approval process, the Building Official, with the concurrence of the Planning Director, may grant an additional time extension of not more than one hundred eighty days upon written request from the applicant documenting the reasons for the delays. The Building Official's determination to grant a further time extension shall be based on the following criteria:

A. Only minor modifications of development standards, including zoning requirements, applicable to the project have occurred since the plans were originally submitted for plan review and such modifications will be incorporated into the plans as required;

B. All other City approvals have been secured at the time the time extension request is made; and

C. The time extension shall be granted only for the amount of time necessary for the other governmental agency to complete its review and for the project applicant to satisfy the conditions imposed by such agency. The Building Official shall determine the time period needed to meet this criterion.

No application shall be extended beyond seven hundred twenty days after the original plan review submittal date. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. (Ord. 6116 § 1, 1994; Ord. 5389 § 1, 1986; Ord. 4853 § 23, 1980)

Section 16.04.365 Emergency inspections.

The Building Official may, at his discretion, make emergency inspections at other than normal working hours upon the request of an applicant for inspection. The charge for an emergency inspection shall be two and one-half times the hourly wage rate of the inspector making such inspection for each hour or any portion thereof, and shall be in addition to any other fees that may have been paid or are due. (Ord. 4604 § 1 (part), 1978; Ord. 4146 § 1 (part), 1974)

Section 16.04.372 Permit and plan review fees.

The fee for each permit and for plan review shall be as set by resolution of the City Council. Payment under protest for all or any portion of these fees shall not be accepted. Where a permit fee is based on value or valuation, the determination of value or valuation shall be made by the Building Official. The value to be used in computing such fee shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. (Ord. 4853 § 27, 1980)

Section 16.04.380 Plan review fee refund.

Plan review fees shall be refundable provided the checking of the plans has not been started. A portion of the plan review fee may be refunded when the Building Official determines that less than three-fourths of the checking has been completed. The fee for processing such refunds shall be as established by resolution of the City Council. This fee shall be deducted from any moneys being refunded. No refund shall be made without first receiving a request in writing therefor from the person paying the fee, together with authorization in writing from the owner of the project. (Ord. 4853 § 28, 1980; Ord. 3495 § 1 (part), 1968; prior code § 9.114 (part))

Section 16.04.390 Permit fees refund.

Permit fees shall be refundable provided the permit has not expired and provided no inspections have been made in connection therewith. The fee for processing such refund shall be as established by resolution of the City Council. The fee shall be deducted from any moneys being refunded. No refund shall be made without first receiving a request therefor in writing from the person paying the fee, together with authorization in writing from the owner of the project. (Ord. 4853 § 29, 1980; Ord. 3495 § 1 (part), 1968; prior code § 9.114 (part))

Section 16.04.400 Other refunds.

A. Fees for Services. Fees imposed by this title for inspections or other services, except for those specifically listed elsewhere in this chapter, shall be refundable provided the inspection or service in connection therewith has not been performed. The fee for processing such refund shall be the same as that established pursuant to Section 16.04.390 above. No refund shall be made without first receiving a request therefor in writing from the person paying the fee. Such request for refund shall be received not more than one hundred eighty days from the date of payment of the fee.

B. Development Fees. Development fees imposed by and paid to the City in conjunction with, and as a condition precedent to, the issuance of a permit may be refunded provided the work authorized by the permit has not been performed, and the permit therefor has expired or otherwise been terminated. A fee as may be established by resolution of the City Council shall be paid for the processing of any such refund. No refund shall be made without first receiving a request therefor in writing from the person paying the fee together with authorization in writing from the owner of the project or other evidence to establish that the applicant for the refund is legally entitled thereto. (Ord. 5259 § 11, 1985)

Section 16.04.460 Compliance.

No person shall use or occupy any building or structure, or any portion thereof including the building service equipment, for which a permit is required without first obtaining the permits, inspections, and approvals required by Chapters 16.04 through 16.32, inclusive. No person shall use or occupy any building or structure, or any portion thereof, for which a certificate of occupancy is required by this chapter without first obtaining, posting and keeping posted a certificate of occupancy as required by the provisions of this chapter. No person shall suspend or abandon any grading work prior to completion of the work unless the site is made reasonably safe and stable. No person in possession of or in charge of a site on which grading work has been performed shall fail to maintain any slope faces, whether cut or fill, in a stable condition nor shall such person fail to control and maintain water drainage on or from the site in an approved manner. (Ord. 4906 § 2, 1981; Ord. 3495 § 1 (part), 1968; prior code § 9.115 (part))

Section 16.04.490 Temporary use of utilities.

A. The Building Official may permit, at his discretion, the temporary use of gas or electrical energy, before final approval of the building, structure or work being performed, whenever unnecessary hardship would otherwise result, and inspection can effectively be made after the commencement of the temporary use.

B. The Building Official shall place those restrictions upon temporary use as necessary to insure safety, to facilitate inspection and to secure compliance with all provisions of Chapters 16.04 through 16.20 and of any other chapter of the City, including any and all provisions of this code.

C. No temporary use of gas or electrical energy shall be permitted in any case where a hazard to life or property would be created.

D. The temporary use of gas or electrical energy may be ordered discontinued and the supply ordered disconnected upon written notice.

E. Nothing contained in this section shall be considered to permit or authorize the occupancy or use of any building or structure prior to the issuance of a certificate of occupancy. (Ord. 3495 § 1 (part), 1968; prior code § 9.116)

Section 16.04.510 Violations.

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy or maintain any building, structure, equipment, or portion thereof in the City or cause the same to be done contrary to or in violation of any provision of this Title or any provisions of the building code, building code standards, housing code, mechanical code, dangerous buildings abatement code, fire code and fire code standards (hereinafter referred to as the "adopted codes"), as such codes have been adopted in this Title or as they may be duly amended, or any other applicable law or ordinance. (Ord. 6844 § 24, 2006; Ord. 6262 § 20, 1996; Ord. 5551 § 10, 1987; Ord. 5259 § 16, 1985; Ord. 4853 § 45, 1980; Ord. 4192 § 1, 1975; Ord. 3495 § 1 (part), 1968; Prior code § 9.110)

Section 16.04.520 Criminal Enforcement.

A. A violation of any of the provisions of this Title or any provisions of the adopted codes as such have been adopted by reference in this Title or the failure to comply with any of the mandatory requirements of this Title including the codes adopted by reference therein shall constitute a misdemeanor; except that notwithstanding any other provisions of this Code, any such violation constituting a misdemeanor may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Any person convicted of a misdemeanor or infraction shall be punished according to Section 1.01.110 of this Code.

B. Any day or portion thereof any violation of this Title or the provisions of the adopted codes is committed, continued or permitted shall constitute a new and separate offense and shall be punished, upon conviction, in accordance with Section 1.01.110 of this Code.

C. The Building Official, the Code Enforcement Manager, and their inspectors, deputies, enforcement officers, and any other designees, shall have and are vested with the authority to issue a notice to appear to any person who violates the provisions of Chapters 16.04 through 16.24 in the manner provided by Section 836.5 of the California Penal Code. The Fire Chief, the Fire Marshal, Battalion Chiefs, the Fire Captains and the members of the Fire Prevention Bureau shall have and are vested with the authority to arrest or issue a notice to appear to any person who violates the provisions of Chapter 16.32 in the manner provided by Section 836.5 of the California Penal Code. The Fire Chief, the Fire Marshal, Battalion Chiefs, the Fire Captains and the members of the Fire Prevention Bureau shall have and are vested with the authority to issue notices of standing and parking violations for any infraction violation of the provisions of Chapter 16.32 of this Title in the manner provided by Section 40200(a) of the California Vehicle

Code. (Ord. 6844 § 25, 2006)

Section 16.04.530 Administrative Enforcement.

As an alternative to criminal prosecution, the provisions of each chapter of this Title may be enforced through the administrative code enforcement remedies set forth in Chapter 1.17 of this Code, or through a notice and order or other administrative proceeding authorized under this Code. (Ord. 6844 § 26, 2006)

Section 16.04.540 Summary Abatement.

In addition to the remedies provided in this Chapter, any condition caused or permitted to exist in violation of any provisions of this Title or the codes adopted by reference therein, which present an immediate threat to public health or safety, shall be deemed a public nuisance and may be summarily abated by the City pursuant to the provisions set forth in Chapter 6.15. (Ord. 6844 § 26, 2006)

Section 16.04.550 Right of Appeal.

Every administrative action or proceeding initiated pursuant to this Title is subject to appeal according to the procedures set forth herein. The appeal process will vary depending on the remedy used to enforce this Code. (Ord. 6844 § 26, 2006)

Section 16.04.560 Administrative Citation Appeal Process.

The appeal process for administrative citations issued for violation of any provision of this Title is set forth in Section 1.17.150 of this Code. (Ord. 6844 § 26, 2006)

Section 16.04.570 Administrative Civil Penalties Appeal Process.

A. An Administrative Civil Penalties Notice and Order may be issued for violation of any provision of any chapter of this Title. The mere issuance of an Administrative Civil Penalties Notice and Order is not directly appealable.

B. A failure to comply with the Administrative Civil Penalties Notice and Order will result in a hearing before an Administrative Hearing Officer. The hearing may result in an Administrative Civil Penalties Enforcement Order.

C. The appeal process for an Administrative Civil Penalties Enforcement Order is judicial review of that order as set forth in Section 1.17.400 of this Code. (Ord. 6844 § 26, 2006)

Section 16.04.580 Disabled Access Determination Appeal Process.

The appeal process for a disabled access determination initiated pursuant to the building code, adopted by Chapter 16.08 of this Code, is set forth in Section 2.40.030. (Ord. 6844 § 26, 2006)

Section 16.04.590 Appeal Process for Other Administrative Actions.

The appeal process for any notice and order, other than an Administrative Civil Penalties Notice and Order, issued for any violation of any provision of the housing code, adopted by Chapter 16.09 of this Code, or for any violation of any provision of the dangerous building abatement code, adopted by Chapter 16.10 of this Code, is set forth herein.

A. Standing to Appeal. An appeal may be filed by any person having record title or legal interest in a parcel of real property that is the subject of such notice and order or any person identified therein as a "Responsible Party" as defined in Section 1.17.010 of this Code.

B. Request for hearing.

1. Any person having standing to appeal under this section may appeal the notice and order by completing a request for hearing form and returning it to the Code Enforcement Division of the Community Development Department within thirty (30) calendar days of the mailing or issue date appearing on the notice and order, whichever is later.

2. A request for hearing form may be obtained from the Code Enforcement Division.

3. Only upon receipt of a request for hearing form that has been properly completed and timely submitted shall the Code Enforcement Division schedule the date, time, and place of hearing before an Administrative Hearing Officer. The Code Enforcement Division shall provide written notice of the date, time, and place of hearing by regular, first-class mail only to the address listed in the request form submitted by the person requesting the hearing. (Ord. 6844 § 26, 2006)